

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Mark J. Rioux,

Debtor.

BKY 00-44356

Dwight R.J. Lindquist, Trustee,

ADV 05-4137

Plaintiff,

v.

ORDER FOR SUMMARY JUDGMENT

Steven J. Cheney and
Ameriquest Mortgage Company,

Defendants.

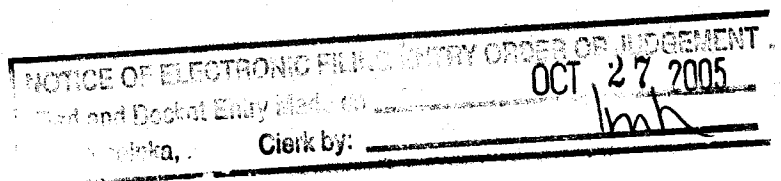
At Minneapolis, Minnesota, October 27, 2005.

This proceeding came on for hearing on motions of the plaintiff for summary judgment against both defendants and a motion by defendant Ameriquest Mortgage Company for summary judgment. Andrea M. Hauser appeared on behalf of the plaintiff, Thomas F. Miller appeared on behalf of defendant Steven J. Cheney, and Margie R. Bodas appeared on behalf of Ameriquest Mortgage Company.

Based on findings of fact and conclusions of law stated orally and recorded in open court,

IT IS ORDERED:

1. The plaintiff's motions for summary judgment are denied.

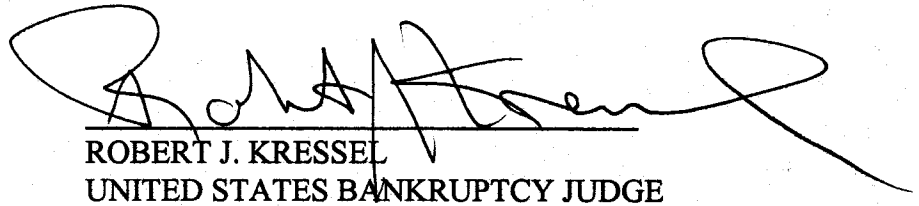


2. Ameritrust Mortgage Company's motion for summary judgment is granted.

3. Steven J. Cheney is granted summary judgment.

4. The plaintiff shall recover nothing from either of the defendants.

LET JUDGMENT BE ENTERED ACCORDINGLY.



ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

STATE OF MINNESOTA

SS.

COUNTY OF HENNEPIN

I, Lynn M. Hennen, hereby certify: I am Deputy Clerk of the United States Bankruptcy Court for the District of Minnesota; on October 27, 2005; I place copies of the attached:

ORDER FOR SUMMARY JUDGMENT and JUDGMENT

in individual postage metered official envelopes addressed to each of the persons, corporations, and the firms at their last known addresses:

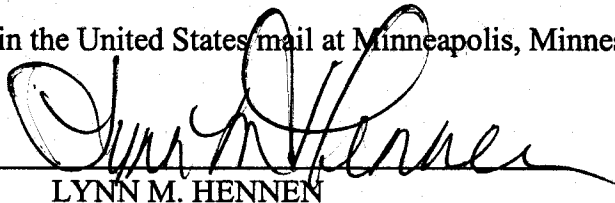
Habbo G. Fokkena, U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415

Andrea M. Hauser, Esquire
12400 Portland Avenue South
Suite 132
Burnsville, Minnesota 55337

Thomas F. Miller, Esquire
130 Lake Street West
P.O. Box 387
Wayzata, Minnesota 55391

Margie R. Bodas, Esquire
80 South Eighth Street
Suite 2000
Minneapolis, Minnesota 55402

I sealed and placed the envelopes in the United States mail at Minneapolis, Minnesota.



LYNN M. HENNEN